

UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF MASSACHUSETTS

SAMUEL GITAU	)	
	)	
Petitioner	)	
	)	Civil Action No.
v.	)	05cv10803-GAO
	)	
BRUCE CHADBOURNE, FIELD OFFICE	)	
DIRECTOR, BUREAU OF IMMIGRATION	)	
AND CUSTOMS ENFORCEMENT, ET AL.	)	
	)	
Respondents <sup>1</sup>	)	

MOTION TO DISMISS

Respondent moves to dismiss this action pursuant to Fed. R. Civ. P. Rules 12(b)(1) and 12(b)(6) for lack of subject matter jurisdiction and for failure to state a claim upon which relief may be granted.

Respectfully submitted,

MICHAEL J. SULLIVAN  
United States Attorney

By: s/Frank Crowley  
FRANK CROWLEY  
Special Assistant U.S. Attorney  
Department of Homeland Security  
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J.F.K. Station  
Boston, MA 02114  
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<sup>1</sup> The responsive official of the Department of Homeland Security responsible for enforcement of petitioner's removal order in the instant action is Bruce Chadbourne, Field Office Director for Detention and Removal, Department of Homeland Security, Bureau of Immigration and Customs Enforcement ("ICE") in Boston, Massachusetts.

CERTIFICATE OF SERVICE

I hereby certify that I caused true copy of the above document to be served upon counsel for petitioner by mail on July 15, 2005.

s/Frank Crowley

FRANK CROWLEY

Special Assistant U.S. Attorney

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